

Remarks:

Applicant has read and considered the Office Action dated November 4, 2004. In the Action, a Restriction Requirement was placed on the Application.

Restriction was required between one of two inventions, namely:

Invention I, claims 1-11, drawn to a conveyor apparatus; and

Invention II, claims 12-20, drawn to an agricultural harvester with a crop removal system and method.

The Action stated that the Inventions were distinct and that Restriction for examination purposes is proper.

Applicant hereby elects Invention I, claims 1-11, with traverse. Applicant asserts that the Inventions are directed to the same conveyor apparatus and that searching and examination may be conducted simultaneously. Applicant has withdrawn claims 12-20 without prejudice and reserves the right to pursue these claims in other applications.

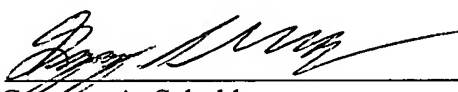
Applicant further notes that it was indicated a previous Action had been issued in error. In response thereto, Applicant had submitted an Amendment dated September 17, 2004. The Examiner has based the Restriction Requirement on the claims as originally filed. Applicant notes that the Amendment is being treated as withdrawn and Applicant hereby withdraws the previous Amendment. Moreover, Applicant asserts that the arguments and amendments made were in response to an erroneous Action and Applicant further asserts that he should not be limited by the any statements or arguments made in response to the erroneous Action.

A speedy and favorable action on the merits is hereby solicited. If the Examiner feels that a telephone interview may be helpful in this matter, please contact Applicant's representative at (612) 336-4728.

Respectfully submitted,

MERCHANT & GOULD P.C.

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